

# Exhibit A

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and N.D. Cal. Civil Rules 26-1 and 33-1, Defendant Facebook, Inc. hereby requests that the User Plaintiffs (as defined below) answer the following interrogatories separately and fully in writing, under oath, and serve its answers upon the undersigned counsel no later than within thirty (30) days after service. Facebook reserves the right to serve additional Interrogatories at a later date.

### **DEFINITIONS**

A. The definitions and rules of construction set forth in Federal Rules of Civil Procedure 26 and 33, and N.D. Cal. Civil Rules 26-1 and 33-1, shall apply to these requests and are incorporated as if fully set forth herein.

B. “You” and “your” include the person or entity to whom these requests are directed, as well as its owners, partners, principals, members, officers, and directors, and all co-account holders, present or former representatives or agents, and any person, including attorneys, acting on behalf of any of the foregoing.

C. “Facebook” means Meta Platforms, Inc., formerly known as Facebook, Inc., and all persons or entities acting or having acted on its behalf, including but not limited to its divisions, subsidiaries, holding companies, predecessors, Facebook, Messenger, Instagram, WhatsApp, and any other related entity.

D. “User Complaint” refers to the Amended Consolidated Consumer Class Action Complaint filed in *Klein v. Facebook, Inc.*, Case No. 5:20-cv-08570-LHK (N.D. Cal.), ECF No. 87, by Maximilian Klein, Sarah Grabert, and Rachel Banks Kupcho (together the “User Plaintiffs”).

E. “Relevant Time Period” is the period from January 1, 2003, to the present.

F. “Document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a) and means anything responsive within the meaning of Federal Rule of Civil Procedure 34, including, but not limited to, communications (as defined below).

1           G.     The word “communication” means any actual or attempted transmittal of  
2 information (e.g., of facts, ideas, inquiries, or otherwise) regardless of form, including but not  
3 limited to any content that you created, shared with, posted to, or any way provided or published  
4 on any online services, as well as any other electronically stored information, and any oral,  
5 written, email, letter, notes, telephone conversation, computer drop-down selection, etc.

6           H.     “Concerning” means referencing, relating to, describing, evidencing, reflecting,  
7 constituting, documenting, discussing, referring to, mentioning, analyzing, refuting, or recording.

8           I.     “Describe,” “description,” “explain,” or “explanation” means to relate as  
9 completely as possible to each and every act, omission, incident, event, condition, or  
10 circumstance relating directly or indirectly to the subject of the description, including all dates  
11 surrounding circumstances, context, locations, and persons involved.

12           J.     “Referring,” “refer,” “relate,” and “relating” shall be used in the broadest sense  
13 and shall mean and include without limitation referring to, summarizing, reflecting, constituting,  
14 containing, embodying, pertaining to, involved with, mentioning, consisting of, comprising,  
15 showing, commenting on, evidencing, describing, or otherwise discussing the subject matter, and  
16 refers to every document or other form of information that in any way explicitly or implicitly  
17 refers to, or reasonably could be construed to refer to, the subject matter of the document  
18 requested or inquired about, or which in fact refers to its subject matter although such reference  
19 is only determinable with reference to some extrinsic information.

20           K.     “Identify” or “identification” means:

21               a.     When used with respect to an individual or natural person, to state: (a) his  
22 or her name; (b) any other name used by him or her presently or in the past; (c) his or her present  
23 or last known business address, residence address, and telephone numbers; and (d) the  
24 corporation, partnership, association, foundation, trust, organization or other entity, and the  
25 functional division thereof, with which he or she is now associated, and his or her title, status,  
26 position, rank, or classification with such entity at the present and throughout the time period  
27 specified.

b. When used with respect to a person other than a natural person, including but not limited to any corporation, partnership, association, foundation, trust, organization, or other entity or functional division thereof, to state: (a) its full name; (b) the address of its principal office or place of business; (c) all names under which it is doing business or ever has done business; (d) the nature of the venture (*e.g.*, sole proprietorship, partnership, corporation, etc.); and (e) the identities of its officers, directors, partners or administrators.

c. When used with respect to a communication, to: (a) state the dates and places of origin and reception of such communication; (b) identify each person who was present at or participated in such communication; (c) identify the type of communication (*e.g.*, letter, facsimile transmission, face-to-face conversation, telephone conversation, etc.); (d) describe the substance of each such communication; and (e) identify each document which records, shows, or refers to such communication.

d. When used with respect to a document or tangible thing, to state: (a) the type of document or tangible thing (*e.g.*, letter, memoranda, computer disk, etc.); (b) the date it was created; (c) its author and signatories; (d) its addresses and all other persons receiving copies; (e) the nature and substance of the document with sufficient particularity to enable it to be identified; and (f) its location and its custodian (or if it is no longer within your possession, custody or control, state what disposition was made of it; state the date of such disposition; identify every person who participated in or approved such disposition; and identify the person or persons having knowledge of its contents).

L. “Online services” means any public-facing internet website, web application, digital application, or other service provided online in any form or by any method, including but not limited to email or messaging services, and any news, ecommerce, entertainment, streaming video, streaming audio, television, or gaming services, applications, or websites.

M. “Participant(s)” means any actual and potential entrant(s) into the “Social Network Market” or the “Social Media Market.”

1 N. “Social Media Market” means the market alleged in Paragraphs 35 and 72  
2 through 81 of the User Complaint, including but not limited to “websites and applications that  
3 allow users of a given application to distribute various forms of media to other users of the same  
4 application.”

5 O. “Social Network Market” means the market alleged in Paragraphs 35 and 56  
6 through 71 of the User Complaint, including but not limited to “websites and applications that  
7 allow users to find, communicate, and interact with friends, family, personal acquaintances, and  
8 other people with whom the users have shared interests or connections.”

9 P. The use of the singular herein shall be deemed to encompass the use of the plural  
10 and vice versa.

11 Q. The connectives “and” and “or” shall be construed either disjunctively or  
12 conjunctively as necessary to bring within the scope of the requests all information that might  
13 otherwise be construed as outside of their scope.

14 R. The term “any” includes “all” and “each,” and the term “all” includes “any,” and  
15 the term “each” includes “every.”

16 S. To the extent these interrogatories employ terms used in the complaints in this  
17 action, such use is without prejudice to the rights of Facebook.

18 **INSTRUCTIONS**

19 1. If objection is made to any of these interrogatories, the response shall state with  
20 particularity the bases therefor, and the interrogatory shall be answered to the extent not objected  
21 to.

22 2. If, in answering any interrogatory, You claim any ambiguity or vagueness either  
23 in the interrogatory itself or in an applicable definition or instruction, identify in Your answer the  
24 particular language that You consider ambiguous or vague and state the interpretation used by  
25 You to respond.

26 3. If any answer responsive to any of the following interrogatories is being withheld  
27 on a claim of attorney-client privilege, work-product protection, or any other privilege, provide  
28

**INTERROGATORIES**

**Interrogatory No. 1**

Identify all Participant(s) in your alleged “Social Network Market.”

**RESPONSE:**

**Interrogatory No. 2**

Identify all Participant(s) in your alleged “Social Media Market.”

**RESPONSE:**

**Interrogatory No. 3**

Identify and describe in detail all accounts or profiles, including without limitation, Your user or login name(s), on any online services that You used during the Relevant Time Period.

**RESPONSE:**

**Interrogatory No. 4**

Identify and describe in detail all privacy protections or privacy practices associated with all accounts or profiles Identified in response to Interrogatory No. 3, including but not limited to all privacy settings on all Your accounts or profiles.

**RESPONSE:**

**Interrogatory No. 5**

If You contend that Facebook has monopoly power in any alleged relevant product market during the Relevant Time Period, describe in detail the evidentiary basis for your contention (including all documents or witnesses that support your contention), including, without limitation, Facebook’s market share in each relevant product market at all times in the Relevant Time Period, how the shares were calculated, and any analyses or sources upon which You base your share calculations. To the extent you intend to rely on expert testimony to